

REMARKS

I. INTRODUCTION

Claims 14-19, 23, 25 and 31 have been amended. Claim 24 has been cancelled. Accordingly, claims 10-23 and 25-31 are now pending in the present application. Applicant wishes to thank the Examiner for indicating that claims 17-22 contain allowable subject matter. However, in view of the above amendments and the following remarks, it is respectfully submitted that all of the pending claims are allowable.

II. CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 10-15 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 3,922,607 to Wysong (hereinafter “Wysong”). (*See* 4/19/07 Office Action, pp. 2-3.)

Claim 10 recites “[a] method of reproducing *audio and/or video information transmitted in parallel in a plurality of channels*, the information in each channel being divided into primary and secondary information, wherein the user can select one of the channels and the primary information of the selected channel is reproduced, the method including an “information mode”, which is *initiated each time the user has changed the selected channel* and which is terminated a given period of time after initiation, the secondary information being reproduced parallel to or instead of the primary information during the information mode.”

Wysong describes a system wherein a first subcarrier 15 transmits substantially continuous program material, such as background music, from a program source 17. (*See* Wysong, col. 4, ll. 3-7; Fig. 1.) Simultaneously, a second subcarrier transmits sequential program material 27 alternately with a tone coded address 26. (*See id.*, col. 4, ll. 7-25; Figs. 1-2.)

Reproduction of program material 27 on the second subcarrier is “preceded by an address code directed toward specifically identified subscribers.” (*Id.*, col. 1, ll. 64-65.)

Claim 10 recites the initiation of a second programming mode when “the user has changed the selected channel.” In contrast, Wysong discloses the initiation of second programming in response to “an address code directed toward specifically identified subscribers.” (*Id.*) Wysong contains no disclosure or suggestion of changing broadcast modes in response to an action by the user, only in response to an action by the broadcaster (i.e., the broadcast of an address code). The Examiner asserts that “Wysong explicitly discloses the programmability of the subscriber identification in Col. 6, ll. 61-69.” (4/19/07 Office Action, p. 2, ll. 11-12.) However, even if, for the sake of argument, it were to be assumed that Wysong discloses such programmability and that the coincidence gates 120 of Wysong are relevant to claim 1, Wysong only discloses that “coincidence gates 120 [] are *preprogrammed* with an address number.” (Wysong, col. 6, ll. 62-63.) Wysong contains no disclosure or suggestion that such programming may be accomplished by a user. Therefore, it is respectfully submitted that Wysong does not disclose or suggest “reproducing *audio and/or video information transmitted in parallel in a plurality of channels*, the information in each channel being divided into primary and secondary information, wherein the user can select one of the channels and the primary information of the selected channel is reproduced, the method including an “information mode”, which is *initiated each time the user has changed the selected channel* and which is terminated a given period of time after initiation, the secondary information being reproduced parallel to or instead of the primary information during the information mode,” as recited in claim 10. Because claims 11-15 depend from, and, therefore, include all of the limitations of claim 10, it is respectfully submitted that these claims are also allowable for at least the reasons stated above.

Claims 16 and 23 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Wysong in view of “Integrated Datacasting Solutions for Digital Television,” Motorola Corp, June 1999 (hereinafter “Motorola”). (See 4/19/07 Office Action, p. 4.)

Claim 16, as amended, recites “[a] device for reproducing audio and/or video information divided into primary, secondary and tertiary programs, the device comprising: a receiver for audio and/or video information divided into primary, secondary, and tertiary programs, characterized in that it can receive and discriminate primary and secondary programs transmitted in an alternating sequence and tertiary programs transmitted parallel to the primary and secondary programs, wherein the tertiary programs are transmitted expanded in time; and *a buffer for the intermediate storage of audio and/or video information.*”

The Examiner acknowledges that the prior art does not disclose the use of a buffer for intermediate storage of a stream. (*See* 4/19/07 Office Action, p. 7, ll. 19-20.) Accordingly, it is respectfully submitted that claim 16 is allowable. Because claims 17-19 depend from, and, therefore, include all of the limitations of claim 16, it is respectfully submitted that these claims are also allowable for at least the reasons stated above.

Claim 23, as amended, recites “A method for transmitting at least one of audio and video information, comprising: dividing the information into primary, secondary and tertiary programs; transmitting the primary and secondary programs in an alternating sequence; transmitting the tertiary program parallel to the primary and secondary programs, wherein the tertiary programs are transmitted expanded in time; receiving the transmitted programs; *storing at least some of the received programs in a buffer*; and differentiating the received data into the primary, secondary and tertiary programs.”

As discussed above with reference to claim 16, the Examiner acknowledges that the prior art does not disclose the use of a buffer for intermediate storage of a stream. (*See id.*) Therefore, it is respectfully submitted that claim 23 is allowable.

Claims 25-31 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Wysong in view of Motorola as applied to claims 23 above, and further in view of U.S. Patent 5,886,731 to Ebisawa (hereinafter "Ebisawa"). (*See* 4/19/07 Office Action, pp. 5-7.) However, in view of the remarks above with reference to claim 23, it is respectfully submitted that these claims are also allowable.

CONCLUSION

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

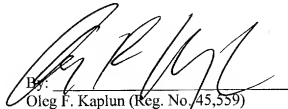
Please direct all future correspondence to:

Paul Im, Esq.
IP Counsel

Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9602
Fax: (914) 332-0615
Email: paul.im@philips.com

Respectfully submitted,

Dated: June 6, 2007


By: _____
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, New York 10038
Tel.: (212) 619-6000
Fax: (212) 619-0276